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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Moore *et al.*

Docket No.: PZ007P2

Application No.: 09/933,767

Confirmation No.: 7025

Filed: August 22, 2001

Art Unit: 1634

For: Method of Diagnosing Pancreatic Cancer

Examiner: B. L. Sisson

**RENEWED PETITION UNDER 37 C.F.R. § 1.78(a)(3):
RESPONSE TO DECISION ON PETITION
AND REQUEST FOR RECONSIDERATION**

Office of Petitions
ATTN: Wan Laymon
United States Patent and Trademark Office
Alexandria, VA 22313-1450

Dear Examiner Laymon:

In response to the petition decision mailed December 16, 2005, Applicants respectfully submit this renewed petition and request reconsideration of the petition with respect to 37 C.F.R. § 1.78(A)(3). The Examiner dismissed the petition on the grounds that the petition lacked a proper cross-reference to related applications as required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(1). In particular, the Examiner noted several issues with respect to the claims to U.S. Provisional Applications in the cross-reference to related applications.

In response, Applicants provide herewith a new amendment to the first paragraph of the specification. Applicants believe this new amendment obviates the issues noted by the Examiner. Applicants respond in more detail to the specific deficiencies asserted by the Examiner below.

I. U.S. Provisional Applications claimed by Application No. PCT/US98/11422

The Examiner has stated that, "...in reviewing the chain of provisional applications to which PCT Application No. PCT/US98/11422 claims priority, it appears from the Office database computer records that some of the applications in the chain were not previously referenced or claimed in the PCT application." *See* Decision on Petition under 37 C.F.R. § 1.78(a)(3), paragraph bridging pages 1-2.

In response, while Applicants are unable to verify the Office's computer records with respect to Application No. PCT/US98/11422, Applicants submit that, apart from U.S. Provisional App. Nos. 60/092,921, filed on July 15, 1998, and 60/094,657, filed July 30, 1998, all of the provisional applications listed under Application No. PCT/US98/11422 in the chain of priority submitted herewith were originally claimed as priority documents in PCT/US98/11422. As evidence thereof, Applicants attach herewith the front two pages of the publication for Application No. PCT/US98/11422 (WO 98/54963) which lists the claimed provisional applications (Exhibit A).

With respect to U.S. Provisional App. Nos. 60/092,921, filed on July 15, 1998, and 60/094,657, filed July 30, 1998, the Examiner notes these applications were filed after June 4, 1998, the filing date of PCT/US98/11422. *See* Decision on Petition under 37 C.F.R. § 1.78(a)(3), page 2, 2nd paragraph. Applicants submit herewith an amendment to the first paragraph of the specification deleting these applications from the chain of priority. Accordingly, Applicants respectfully submit that this ground for dismissal has been obviated.

II. Duplicate entries in Applicants' cross-reference to related applications

The Examiner notes that rows 73-75 and 76-78 of the table appearing in the first sentence of the specification are duplicate entries. *See* Decision on Petition under 37 C.F.R. § 1.78(a)(3), page 2, 2nd paragraph. Thus, Applicants submit herewith an amendment to the first paragraph of the specification in which the entries appearing in rows 76-78 have been deleted. Accordingly, Applicants respectfully submit that this ground for dismissal has been obviated.

III. Surcharge and Statement Regarding Unintentional Delay

With respect to the surcharge of \$1370 set forth in § 1.17(t), as noted in the decision, the surcharge has been charged to Applicants' Deposit Account No. 08-3425. With respect to unintentional delay, as stated in the initial petition, the entire delay between the date the benefit claim was due under 37 C.F.R. §§ 1.78 (a)(2) and the date the claim was amended (concurrent with the petition) was unintentional. The undersigned respectfully adds that the additional delay between the amendment with the filing of the petition and the submission of a proper benefit claim herewith was likewise unintentional.

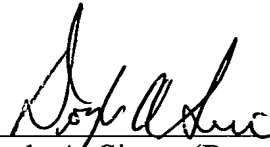
Thus, the entire delay between the date the benefit claim was due under 37 C.F.R. §§ 1.78(a)(2) and the date that a proper benefit claim was submitted was unintentional.

Conclusion

In light of the above, Applicants believe that all of the grounds for dismissal of the petition have either been addressed or obviated, and that the requirements of 37 C.F.R. §§ 1.78(a)(3) have been fully satisfied. Accordingly, Applicants respectfully request that the petition be reconsidered and granted, and that the unintentionally delayed benefit claim submitted herewith be accepted and entered in the instant application.

If any further action by Applicants is required, please call the undersigned at the phone number provided below. If there are any additional fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425.

Respectfully submitted



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Date: January 18, 2006

KKH/DAS/ZS/mr